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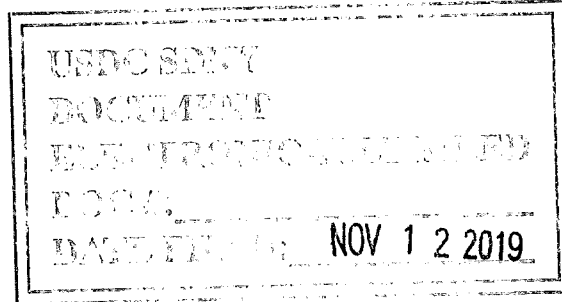
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ALLIANCES IN MEXICO
AND SRI LANKA

November 8, 2019

VIA ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007



**Re: BDG Gotham Residential, LLC and ZDG, LLC v. Western
Waterproofing Company, Inc. d/b/a Western Specialty
Contractors and Western Surety Company
Case No.: 19-cv-06386**

Dear Judge Nathan:

This firm is counsel to Plaintiff BDG Gotham Residential, LLC ("BDG") in the referenced matter. We are writing with the consent of counsel for all parties to request a one week extension of time until November 22, 2019, to respond to the two (2) separate motions to dismiss filed on October 18, 2019 by Defendant Western Waterproofing Company, Inc., and Defendant Western Surety Company, and to advise the Court that the parties have agreed upon the following briefing schedule for the motions: (i) Plaintiffs' opposing Affidavits and Memoranda of Law on both motions shall be e-filed with the Court on or before November 22, 2019, and Defendants' Reply Affidavits and Memoranda of Law on or before December 6, 2019.

Additionally, we are writing on behalf of counsel for all parties to request an adjournment of the initial pretrial conference. The conference was originally scheduled for October 25, 2019, and was adjourned to the currently scheduled date of November 22, 2019 at the request of all parties due to the filing of the first motions to dismiss followed by the amendment of the Complaint. Now that both Defendants have responded to the Amended Complaint with new motions to dismiss, all parties believe that it is premature to have an initial preliminary conference to discuss discovery and a case management schedule before the motions are decided and all pleadings have been filed, since those events will greatly impact the scope of discovery. For

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Honorable Alison J. Nathan
November 8, 2019
Page 2

example, Plaintiffs do not know whether Defendant Western Waterproofing Company, Inc., will assert any counterclaims against Plaintiffs for payment for work performed, which would require substantively different and additional discovery than required for Plaintiffs' claims, or whether either defendant will assert affirmative defenses that will require targeted discovery. The parties believe that their efforts after the close of pleadings will lead to more focused and efficient discovery.

Consequently, on behalf of all parties, we request an adjournment of the initial preliminary conference. As alternative dates the parties propose: January 10, January 24, or February 7, 2020.

Respectfully submitted,

/s/ John S. Wojak, Jr.
John S. Wojak, Jr.

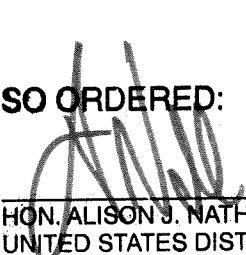
JSW/rs

cc (by email):

Gregory H. Chertoff, Esq. (attorney for plaintiff ZDG)
Joseph Colagiovanni, Esq. (attorney for defendant Western Specialty)
Steve Rittmaster (attorney for defendant Western Surety)
All counsel by ECF

The parties' request to extend the briefing schedule is hereby granted. Plaintiffs' Opposition shall be due on November 22, 2019, and Defendants' Reply shall be due on December 6, 2019. The initial pre-trial conference scheduled for November 22 is hereby adjourned pending resolution of the motions to dismiss.
SO ORDERED.

SO ORDERED:


HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

11/2/19